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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,030	03/19/2007	Thilo Hoffmann	HOFFMANN-7	1861
20151	7590	11/04/2008	EXAMINER	
HENRY M FEIEREISEN, LLC			LE, DANG D	
HENRY M FEIEREISEN			ART UNIT	PAPER NUMBER
708 THIRD AVENUE			2834	
SUITE 1501				
NEW YORK, NY 10017				

MAIL DATE                    DELIVERY MODE  
11/04/2008                    PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,030	HOFFMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dang D. Le	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 12-18 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/06</u> .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tajima et al. (5,432,644)

Regarding claim 12, Tajima et al. shows an electric machine, comprising:

- A rotor (5, 6);
- a stator (Figure 5) spaced from the rotor by an air gap and formed by a plurality of laminations having axial slots and teeth (9A) extending between adjacent slots in a direction of the air gap, wherein the laminations have at least one section (9C) positioned in circumferential direction of the stator and

configured without slots while following a contour of a stator bore in the area of the air gap; and

- pre-fabricated tooth coils (U1, U2) placed about at least a predefined number of teeth.

Regarding claim 13, Tajima et al. also shows the section covers 60° of a circumferential area of the laminations (Figure 5).

Regarding claim 15, Tajima et al. also shows the rotor having permanent magnets (Figure 14).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. in view of Felici et al. (WO00/62400).

Regarding claim 14, Tajima et al. shows all of the limitation of the claimed invention except for laminations having a plurality of said section in opposing relationship.

Felici et al. shows a plurality of said section in opposing relationship (Figure 3) for the purpose of reducing cogging torque.

Since Tajima et al. and Felici et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a plurality of said section in opposing relationship as taught by Felici et al. for the purpose discussed above.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. in view of Neumann (4,469,970).

Regarding claim 16, Tajima et al. shows all of the limitation of the claimed invention except for the rotor having at least one induction cage.

Neumann shows the rotor having at least one induction cage (Figure 3A) for the purpose of increasing the rotor strength.

Since Tajima et al. and Neumann are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the rotor with at least one induction cage as taught by Neumann for the purpose discussed above.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. in view of Jin (2,946,941).

Regarding claim 17, Tajima et al. shows all of the limitation of the claimed invention except for the stator having a gapped tooth coil winding.

Jin shows the stator having a gapped tooth coil winding (Figure 3) for the purpose of providing different speeds.

Since Tajima et al. and Jin are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the stator with a gapped tooth coil winding as taught by Jin for the purpose discussed above.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. in view of Jin (2,946,941).

Regarding claim 17, Tajima et al. shows all of the limitation of the claimed invention except for the stator having a gapped tooth coil winding.

Jin shows the stator having a gapped tooth coil winding (Figure 3) for the purpose of providing different speeds.

Since Tajima et al. and Jin are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the stator with a gapped tooth coil winding as taught by Jin for the purpose discussed above.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. in view of Yamakoshi et al. (6,023,838).

Regarding claim 18, Tajima et al. shows all of the limitation of the claimed invention except for electric propulsion vehicle.

Yamakoshi et al. shows electric propulsion vehicle for the purpose of reducing fuel consumption.

Since Tajima et al. and Yamakoshi et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the electric motor in an electric propulsion vehicle as taught by Yamakoshi et al. for the purpose discussed above.

***Information on How to Contact USPTO***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung can be reached on (571) 272-8188. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dang D Le/  
Primary Examiner, Art Unit 2834

10/31/08